

GIBSON, DUNN & CRUTCHER LLP

Lee Crain (*pro hac vice*)
lcrain@gibsondunn.com
200 Park Avenue, 47th Floor
New York, New York 10166
Tel.: 212-351-4000
Fax: 212-351-4035

GIBSON, DUNN & CRUTCHER LLP

Rachel S. Brass (SBN 219301)
rbrass@gibsondunn.com
Neema Jalali (SBN 245424)
njalali@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, California 94105-2933
Tel.: 415-393-8200
Fax: 415-393-8306

Attorneys for Plaintiff Michael Cavness

OFFICE OF THE CITY ATTORNEY

James F. Hannawalt (SBN 139657)
Brian P. Ceballo (SBN 243828)
James.hannawalt@sfcityatty.org
brian.cebalo@sfcityatty.org
1390 Market Street
6th Floor
San Francisco, California 94102
Tel.: 415-554-3913 [Hannawalt]
Tel.: 415-554-3911 [Ceballo]
Fax: 415-554-3837

Attorneys for Defendants

*Frank Winch, Scott Neu, Austin Morris,
Rene Gonzalez, Evan Staehely, Martin Logue,
and Scott Bergstresser*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL CAVNESS,

Plaintiff,

vs.

ROSS MIRKARIMI, SAN FRANCISCO
SHERIFF DEPARTMENT, INSURANCE
CARRIES, ET AL.,

Defendants.

Case No. 14-CV-3403 EDL (JSC)

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING FACT DISCOVERY MOTIONS
TO COMPEL**

Trial Date: March 19, 2019

Pursuant to Civil L.R. 6-2 and 7-12, the parties certify that they have in good faith conferred and have agreed that good cause warrants entry of a stipulation and Court Order as follows.

RECITALS

- A. WHEREAS the Court issued the governing Case Management Order on May 18, 2018 (ECF 128), ordering that all non-expert discovery conclude by August 30, 2018, except by order of this Court for good cause, and that motions to compel must be filed within the time limits set by Civil Local Rule 37-3;
- B. WHEREAS Civil Local Rule 37-3 and the governing Case Management Order sets a deadline of seven days for motions to compel discovery after a discovery cutoff, meaning the deadline for motions to compel fact discovery is currently Thursday, September 6, 2018;
- C. WHEREAS on August 20, 2018, Plaintiff sent Defendants a letter detailing discovery deficiencies and seeking a meet and confer;
- D. WHEREAS Plaintiff again requested a meet and confer with Defendants on August 24 and August 29, 2018;
- E. WHEREAS on August 29, 2018, Defendants advised that they were available to meet and confer on September 5, 2018;
- F. WHEREAS on September 5, 2018, the parties engaged in a meet and confer discussion regarding Plaintiff's letter that both parties believe was productive and may avoid the need for the Court's intervention on many of the issues raised in Plaintiff's August 20, 2018 letter;
- G. WHEREAS the parties jointly request an extension of time until Monday, September 17, 2018 for Plaintiff to file motions to compel in light of ongoing meet and confer discussions that the parties believe will substantially reduce the need for Court intervention on outstanding fact discovery issues;

The parties HEREBY STIPULATE, though their attorneys of record, to seek the entry of a Court Order as follows:

1 **1.** Plaintiff shall file any and all motions to compel pertaining to fact discovery on or
2 before Monday, September 17, 2018.

3 **2. IT IS SO STIPULATED.**

4 Dated: September 6, 2018

DENNIS J. HERRERA
City Attorney
CHERYL ADAMS
Chief Trial Deputy
BRIAN P. CEBALLO
JAMES F. HANNAWALT
Deputy City Attorneys

9 By: /s/ James F. Hannawalt
JAMES F. HANNAWALT

10 Attorneys for Defendants

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12 FRANK WINCH, SCOTT NEU, AUSTIN MORRIS,
13 RENE GONZALEZ, EVAN STAEHELY, MARTIN
LOGUE, AND SCOTT BERGSTRESSER

14 DATED: September 6, 2018

15 GIBSON, DUNN & CRUTCHER LLP
16 Rachel S. Brass, SBN 219301
Lee Crain, *Pro Hac Vice*

17
18 By: /s/ Lee R. Crain
Lee R. Crain, *pro hac vice*

19 Attorneys for Plaintiff MICHAEL CAVNESS
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 13, 2018


ELIZABETH D. LAPORTE
United States District Magistrate Judge